

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

AARON LEE BENSHOOF,	)	
	)	
Petitioner,	)	
	)	
vs.	)	Case No. CIV-10-381-M
	)	
ROD TAVANELLO, et al.,	)	
	)	
Respondents.	)	

**ORDER**

On August 20, 2010, United States Magistrate Judge Bana Roberts issued a Report and Recommendation in this action brought pursuant to 28 U.S.C. § 2254, seeking a writ of habeas corpus. The Magistrate Judge recommends that the petition for a writ of habeas corpus be summarily dismissed in part as untimely and in part for failing to state a cognizable claim for habeas relief. Petitioner was advised of his right to object to the Report and Recommendation by September 9, 2010 and on August 31, 2010, petitioner filed his objection on the following grounds: (1) his claim should be equitably tolled; (2) the failure of the Magistrate Judge to liberally construe his claims; (3) he was deprived the opportunity to amend or clarify his pleadings.

Accordingly, upon de novo review, the Court:

- (1) OVERRULES the objections to the well-reasoned and thorough Report and Recommendation;
- (2) ADOPTS the well-reasoned and thorough Report and Recommendation issued by the Magistrate Judge on August 20, 2010; and
- (3) DISMISSES summarily the petition for writ of habeas corpus.

**IT IS SO ORDERED this 2<sup>nd</sup> day of September, 2010.**

  
VICKI MILES-LaGRANGE  
CHIEF UNITED STATES DISTRICT JUDGE